

**New Hampshire Experience with Interstate Reciprocity Agreements**  
**Edward R. MacKay**  
**Director, Division of Higher Education – Higher Education Commission**

As very brief background, the predecessor body to the current Higher Education Commission was established in 1963 under the title of Coordinating Board of Advanced Education and Accreditation. In 1973 the title was changed to the Postsecondary Education Commission and in 2011, changed again to the Higher Education Commission and the organization moved under the Department of Education.

The Higher Education Commission has 22 members, representing public and private postsecondary institutions in the state and the general public. The Division is responsible for various program components that include regulation of colleges and universities by the Higher Education Commission, plus duties such as licensure of career schools and approval of programs for VA benefits eligibility. In addition, the Division has responsibility to conduct research that informs policy deliberations, whether by the Commission, Legislative groups, or other entities. As examples, a contract exists with the NH Treasurer's Office to collect data and provide analysis relating to programs funded by the NH College Tuition Savings ("529") plan and serve as the state's IPEDS coordinator. As the NH IPEDS coordinator, the Division monitors and enforces data collection from institutions, and serves as official liaison to the U.S. Department of Education for related inquiries, correspondence, and compliance, thereby enabling NH colleges and universities to participate in federal Title IV (financial aid) programs.

The Commission has been entrusted by the General Court with responsibility for specifying the degree level and general fields of study a nonprofit and for-profit college or university operating in the State of New Hampshire may award. However, under statute, this authority does not include the public systems (USNH and CCSNH) or Dartmouth College. The Commission regulates through periodic evaluations of institutions and extends degree-granting authority when warranted. It also evaluates activity of any institution with a physical presence in the state, consistent with the obligation to monitor postsecondary programs that may not be functioning in the best interests of students, and as a result, the Commission carries out an important consumer protection function on behalf of the state.

In other duties most relevant to the Special Commission, the Division also maintains oversight of postsecondary career schools with a physical presence in the state and Veterans Education Services. Specifically, all private (for-profit or nonprofit) postsecondary career schools maintaining a physical presence in NH that provide education or training for tuition or a fee, enhance a person's occupational skills, provide continuing education or certification, or fulfill a training or education requirement in one's employment, career, trade, profession, or occupation, must register to obtain a license with the Division. The Division's Office of Career Schools licenses more than 80 schools serving nearly 20,000 students annually. The sector is a major contributor to continuing professional development and skill enhancement for many adults, in particular.

Veterans Education Services, also known through the U.S. Department of Veterans Affairs as the State Approving Agency, approves programs offered for veterans at colleges, universities, career schools, high schools, and businesses for veterans wishing to access their educational benefits through the GI Bill. Programs include degree, diploma, certificate, apprenticeship, on-the-job training programs at all branch/campus locations, along with national and state exams and state bar exams.

In a focused effort to increase operating efficiencies and promote student access to educational opportunities that will enable the state to meet economic and civic goals, the Division investigates and pursues cooperative agreements, with specific authority to enter multi-state agreements granted in 2012. This responsibility led to the exploration of participation in a national program for oversight of distance education titled the State Authorization Reciprocity Agreement (SARA). As you know, it is a voluntary agreement among its member states and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance-education courses and programs. It is intended to make it easier for students to take online courses offered by postsecondary institutions based in another state.

#### **Why New Hampshire decided to join NC-SARA:**

In October 2010, the U.S. Department of Education (USDE) released its regulation requiring institutions to document that they have the proper approval to serve students in other states. The (now vacated) Federal Regulation Chapter 34, § 600.9(c) - "If an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located or in which it is otherwise subject to State jurisdiction as determined by the State, the institution must meet any State requirements for it to be legally offering distance or correspondence education in that State. An institution must be able to document to the Secretary the State's approval upon request." This action put an enhanced administrative and financial burden on institutions offering online education programs that the institution was properly licensed in any state where a student may be located. NH institutions were reporting this was increasingly difficult, not only because of the mobility of students, but due to widely varying and what was perceived as occasionally onerous requirements by states.

In concept, SARA would bring quality assurance and consumer protection in step with the fast-moving and expanding world of online learning in order to benefit students and enable institutions with high quality programs to better navigate the national landscape and extend their range of service. Once a state joins SARA, accredited degree-granting institutions in the state that offer distance education courses can seek approval from their state to participate in SARA. When approved, these institutions will be able to operate in other participating SARA states without seeking independent authorization from those states. Participating in SARA is entirely voluntary for institutions, as it is for states.

There was sufficient interest in joining SARA that the Higher Education Commission in the summer, 2014, created a special task force to examine the topic and provide a recommendation to the Commission. The recommendation to join SARA was approved in the fall and after securing regional approval through the New England Board of Higher Education (NEBHE), the national body (NC-SARA) approved New Hampshire's application and the Commission began to accept institutional applications in January, 2015. As noted in a press release at that time "There has been overwhelming support for the concept of SARA from New Hampshire's college and university presidents and from the state's executive branch. We all look forward to making New Hampshire's high-quality higher education offerings available to more learners, and enabling the efficiencies of the SARA partnership to assist in our efforts to constraint costs."

#### **Experiences to date with the reciprocity agreement:**

New Hampshire currently has eight SARA institutions:

- Colby-Sawyer College
- Daniel Webster College



- Franklin Pierce University
- Granite State College
- Plymouth State University
- Rivier University
- Southern New Hampshire University
- University of New Hampshire

The application process has run smoothly between institutions and the Division of Higher Education. There were a few glitches in data entry through NC-SARA over the first year or so, but those processes have been substantially improved and seem to be functioning fine at this time. It should be noted that New Hampshire established a “pricing structure” significantly different from other states. The annual state SARA fee for NH is based on the headcount number of out-of-state online learners, and ranges from a minimum of \$2,500 (for 2,500 or fewer students) to \$40,000 (for more than 20,000 students). This structure reflects the fact the Division, which receives very little General Fund support, was reliant on fees collected from out-of-state institutions providing online programs in NH that would be reduced as the number of states participating in SARA grows, and the acknowledgement by NH institutions they would avoid substantial costs (internal and fees) incurred by licensure in multiple states. With 42 states and the District of Columbia now part of the SARA network, this strategy has proven to be an effective means to meet Division and member institution needs.

In addition to NC-SARA participation, the Division still provides administrative approvals for non-NC-SARA institutions in non-NC-SARA states. These institutions pay \$500 for the Division’s administrative approval of each degree. Almost half of the administrative approvals the Division used to do are now covered through NC-SARA. The Division has roughly \$40,000 in annual revenue to date due to institutions across the U.S. joining SARA.

The Division serves as the “portal” for all SARA-related inquiries, including those for institutions not under the authority of the Commission for other purposes (e.g., Dartmouth and the public 2-yr and 4-yr systems). The Division created an electronic form for submitting inquiries and complaints (borrowing from other state templates) and the form is prominently available on the Division website. To date, the Division has received eight NC-SARA related complaints in the past six months, despite the significant number of online out-of-state students enrolled in NH institution programs. Five of these were resolved after an investigative process that included review of emails, phone calls, and a paper review of the institution’s procedures and materials. Three complaints were just received and are under review.

We have found that aggrieved students are contacting the Division by both phone and email. They are also using the online complaint form. The only problem with the online form is that the auto-notification feature of the complaint form has had several glitches, which is still under review. The process for submittal and review of complaints is provided in the Appendix to this statement.

**Has the Division or Commission explored other reciprocity agreements?**

No, New Hampshire has not explored other reciprocity agreements.

#### **Appendix: The NC-SARA Online Complaint Process:**

1. As a member of NC-SARA, the NH Division of Higher Education is required to report SARA-related student complaints through the NC-SARA portal. During this quick and easy quarterly process, the Division provides the number of SARA-related, online, out-of-state student complaints. Specifically, the Division provides information on the number of complaints received, against which SARA institutions, and if the Division's investigations resolved the complaint in the student's or in the institution's favor, or if it was a negotiated resolution. This information is available for all to see on the SARA website.
2. Before the Division will get involved with a complaint, the student must go through the institution's grievance process. The Division refers individuals to the grievance portals of its NC-SARA institutions once or twice a month.
3. If the institution's grievance process does not successfully resolve the issue, the student can place a formal complaint with the Division, using the Division's online complaint form. The Division, as the SARA state portal agency, is responsible for the final resolution of complaints that fall within our jurisdiction. Over the past six months, the NH Department of Education has resolved five complaints to date and is currently working on three more.
4. Note: NC-SARA specifically prohibits the Division from addressing student complaints regarding the appeal of grades, student conduct penalties, or matters that are in litigation. In addition, Federal Aid disputes are referred to the U.S. Department of Education, Federal Student Aid, Schools Channel.